

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WENDY DAVIS, DAVID GINS, and
TIMOTHY HOLLOWAY,

Plaintiffs,

V.

ELIAZAR CISNEROS, RANDI CEH, STEVE
CEH, JOEYLYNN MESAROS, ROBERT
MESAROS, and DOLORES PARK,

Defendants.

1:21-CV-565-RP

ORDER

Before the Court are motions in limine and briefing from all parties:

1. Plaintiffs' motions in limine, (Dkts. 424-8, 432), and the responses, (Dkts. 451, 459, 460);
2. Park's motion in limine to exclude statements as hearsay and failing to establish the elements required for admission under Federal Rule of Evidence 801(d)(2)(E), (Dkt. 422), and the response, (Dkt. 438);
3. Park's motion in limine to exclude the admission of extraneous and irrelevant evidence, or, in the alternative motion for separate trial, (Dkt. 425), and the response, (Dkt. 439); and
4. Cisneros's motion in limine, (Dkt. 443).

Having reviewed the parties' motions and responses, the supporting documents, and the relevant law, the Court orders as follows.

I. PLAINTIFFS' MOTIONS IN LIMINE

| Request Number | Ruling | Modifications, if any |
|-----------------------|---------------|--|
| 1 | Granted | |
| 2 | Granted | |
| 3 | Granted | Defendants may argue that they intended to participate in a peaceful protest. Defendants may not elicit or introduce testimony around their interpretation of the First Amendment. |
| 4 | Granted | |
| 5 | Granted | |
| 6 | Granted | |
| 7 | Granted | |
| 8 | Granted | |
| 9 | Granted | |
| 10 | Granted | This ruling is subject to the Court's pending decision on the admissibility of Dr. Simi's expert testimony. |
| 11 | Denied | |
| 12 | Denied | This ruling is subject to the Court's pending decision on the admissibility of Dr. Simi's expert testimony. |

II. PARK'S MOTIONS IN LIMINE

First, Park's motion in limine to exclude statements as hearsay and failing to establish the elements required for admission under Federal Rule of Evidence 801(d)(2)(E) is denied.

Second, Park's motion in limine to exclude the admission of extraneous and irrelevant evidence is also denied.

Last, for the reasons stated on the record during the final pretrial conference on August 5, 2024, (Min. Entry, Dkt. 461), Park's request for a separate trial is also denied.

III. CISNEROS'S MOTION IN LIMINE

Cisneros's motion in limine is denied.

IV. CONCLUSION

Accordingly, **IT IS ORDERED** that Plaintiffs' motions in limine, (Dkts. 424-8, 432), are **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED that Park's motions in limine and her request for a separate trial, (Dkts. 422, 425), are **DENIED**.

IT IS FINALLY ORDERED that Cisneros's motion in limine, (Dkt. 443), is **DENIED**.

These rulings are subject to the re-urging of objections by the parties.

SIGNED on August 12, 2024.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE